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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,839	01/24/2001	Philip D. Mooney	29250-001021/US	2205
32498 7590 10/16/2007 CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC ATTN: JOHN CURTIN P.O. BOX 1995 VIENNA, VA 22183			EXAMINER NGUYEN, TU X	
			ART UNIT 2618	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09767839	1/24/01	MOONEY ET AL.	29250-001021/US

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**EXAMINER**

Tu X. Nguyen

ART UNIT	PAPER
2618	32406

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

A correct version of Examiner's answer to include heading (11) Related Proceeding(s) Appendix. The Appelant Reply Brief has been received and being forwarded to the Board of Appeal.

*Signature* 10/06/07



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/767,839  
Filing Date: January 24, 2001  
Appellant(s): MOONEY ET AL.

**MAILED**

**OCT 16 2007**

**Technology Center 2600**

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John E. Curtin  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 5/24/07 appealing from the Office action mailed 9/22/06.

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**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20020068610	Anvekar et al.	6-2002
5757929	Wang et al.	5-1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 19-48, are rejected under 35 U.S.C. 103(a) as being obvious over Anvekar et al. in view of Wang et al. (US Patent 5,757,929).

Regarding claim 1, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being

performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 12, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from respective electronic devices; selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claims 24, 27, Anvekar et al. disclose a device for switching among wireless audio sources, comprising: a wireless receiver which receives a plurality of audio signals transmitted from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 33, Anvekar et al. disclose a system of electronic devices (see Anvekar fig.1), comprising: a wireless receiver which receives a plurality of audio signals transmitted from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one

selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 37, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022), wherein designated triggering event is receipt of an incoming information update (see par.019, "the user next receives an incoming cell phone" corresponds to "receipt of an incoming information update").



Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 38, Anvekar et al. discloses a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from respective electronic devices; selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014), wherein designated triggering event is receipt of an incoming information update (see par.019).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 39, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from the same network (see par.014) from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 41, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from the same network (see par.014); selecting at least one of said received audio signals for output to a headset in accordance with at least one

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stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claims 43, 45 and 47, Anvekar et al. disclose a system of electronic devices (see fig.1), comprising: a wireless receiver which receives a plurality of audio signals transmitted from the same network (see par.014) from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claims 2 and 13-14, the modified Anvekar et al. disclose selecting is performed according to a plurality of selection instructions (see Anvekar par.019).

Regarding claims 3, 15, the modified Anvekar et al. disclose each of said selection instructions is associated with a respective wireless audio source so that selection of a particular wireless audio source occurs in response to a triggering event included in the associated selection instruction (see Anvekar par.019).

Regarding claims 4, 7, 31, 34, the modified Anvekar et al. disclose designated triggering event includes receipt of a message from a wireless audio source (see Anvekar 022).

Regarding claim 6, the modified Anvekar et al. disclose designated triggering event is receipt of an incoming information update (see Anvekar par.019).

Regarding claims 8, 17, 19, 30, the modified Anvekar et al. disclose designated triggering event is a request to communicate via a mobile telephone (see Anvekar par.019).

Regarding claims 9, 25, 28, the modified Anvekar et al. disclose 9 wireless audio sources are in RF communication with said wireless receiver (see Anvekar par.014).

Regarding claims 10, 26, 29, 35-36, the modified Anvekar et al. disclose wireless receiver and said wireless audio sources are Bluetooth.TM. compliant (see Anvekar par.014).

Regarding claim 11, the modified Anvekar et al. disclose wireless receiver and said audio signal reproducing device are included in a headset (see Anvekar par.015).

Regarding claims 16, 32, the modified Anvekar et al. disclose designated triggering event is a chronological event (see Anvekar par.020).

Regarding claim 20, the modified Anvekar et al. disclose one of said first and second portable electronic devices is an AM/FM radio (see Anvekar par.014).

Regarding claim 21, the modified Anvekar et al. disclose at least one of said first and second portable electronic devices is a compact disc (CD) player (see Anvekar par.014).

Regarding claim 23, the modified Anvekar et al. disclose at least one of said first and second portable electronic devices is a personal computer (see Anvekar par.014).

Regarding claims 40, 42, 44, 46, the modified Anvekar et al. disclose the network comprises a piconet (see Anvekar par.014).

Regarding claim 22, the modified Anvekar et al. fail to disclose at least one of said first and second portable electronic devices is a walkie-talkie radio. However, the Examiner takes an Official notice that the concept push to talk radio is well known in the art. It would have been obvious that the first and second portable electronic devices are operating in half duplex communications between them.

Claims 18 and 49-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar et al. in view of Wang et al. and further in view of Lowe et al. (US Patent 6,298,218).

Regarding claim 18, the modified Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see Anvekar col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of The modified Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

Regarding claim 49, the modified Anvekar et al. disclose everything as claim 1 above. However, The modified Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see Anvekar col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of The modified Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

Regarding claim 50, the modified Anvekar et al. disclose everything as claim 12 above. However, The modified Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see Anvekar col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of The modified Anvekar et al. with the above teaching of Lowe et al. in

order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

#### **(10) Response to Argument**

In response to Appellant argument "Though Wang appears to disclose the overlay of one audio signal on another, such an overlaid audio signal is not output to a headset. Instead, it is output from a garment that is worn by a user. In fact, Wang explicitly states that a headset is not used at all". The Examiner disagrees for the following reasons: Wang et al. cover the Anvekar et al.'s deficiency for a mixer circuit which allow the user to selectively control the amplitude and the panning of each of audio signals applied to the audio mixer (see Wang col.7 lines 45 through col.8 line 22). Wang et al. do not against using a mixer in a headset, Wang et al. only mention the disadvantages of using headset (see Wang et al., col.1 lines 36-61) and therefore Wang et al. using a garment for a benefit of the speakers not to block user ears. Appellant arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

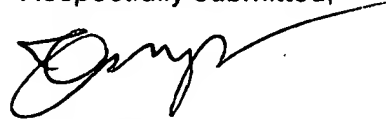
#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Tu Nguyen

Art unit 2618

Conferees:

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